

IN THE MAGISTRATE COURT OF KWARA STATE

IN THE MAGISTERIAL DIVISION

HOLDEN AT ILORIN

CASE NO. MCI/169/2024

BETWEEN:

MR. ADEKUNLE OMONIYI.....PLAINTIFF

AND

EMERALD FARMS CONSULTANT LTD

EMADIA BLESSING OGHALA.....DEFENDANTS

### JUDGMENT

This is the Judgment of this Honourable Court in a case of Default summons. The claimant, Mr. Adekunle Omoniyi, instituted this action against one Emerald Farms Consultant Ltd. and Emadia Blessing Oghale. In it, he prayed against the defendants as follows:

- (a) The sum of Five Million Naira (A5,000,000.00) only with the 1<sup>st</sup> defendant through the 2<sup>nd</sup> defendant being the amount of capital that the claimant invested with the defendants; and
- (b) Cost of this suit and incidental expenses of recovery incurred by the claimant.

When the claimant encountered difficulty in effecting personal service

on the defendants, he filed a Motion Exparte for substituted service and the same was granted as prayed.

The defendants were duly served with Default Summons, the order of the court, the claimant's claims and hearing notices by substituted means to wit; by sending them via the defendants' email address (eoghate22@gmail.com)

In view of this, the affidavit of service dated 22/8/2024, 23/9/2024 and that of 7/12/2024 were admitted in evidence and marked as Exhibit P1, P2 and P3 respectively.

The, defendants were also served with hearing notice against today's date. The copies of the hearing notice and affidavit of service were admitted in evidence as Exhibit P4 and P5 respectively.

Accordingly to the claimant, the defendants through their online platform, approached him sometimes, in the year 2021 that he should invest some capital into 1st defendant and a sum of Five Million Naira (N5,000,000.00) was subsequently invested with the 1st defendant through the 2' defendant with the expectation of 15% interest in return for the capital investment made by the claimant.

The claimant further stated that neither the said capital nor the 15% agreed return on the capital was paid to him despite repeated demands.

The claimant's claim was supported by a twenty-two paragraphs affidavit deposed to by claimant's counsel. Attached to the affidavit are three exhibits: exhibit 'A' is the transaction invoice containing the details of the sum of Five Million Naira (N5,000,000.00) capital that the claimant invested into the 1st defendant.

Exhibit 'B' is a copy of the Sponsorship's Certificate of Investment dated 11th day of March, 2021.

Exhibit 'C' is also a Letter of Demand for Payment of Outstanding debt and the 15% interest on the said capital from the defendants. The defendants did not file notice of intention to defend his case as required by OR V R1 (2) & (3) OF THE DISTRICT COURT RULES OF KWARA STATE, 2022.

The claimant's claim, therefore remains unchallenged and uncontradicted.

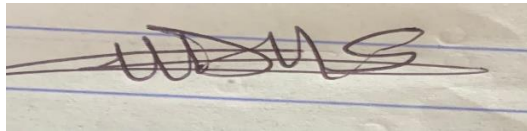
On the strength of the Exhibits 'A' 'B' and 'C' and coupled with the failure of the defendants to file a notice of intention to defend this case,

I am convinced that the defendants are owing the claimant the sum of Five Million Naira (N5,000,000.00) being the capital invested in their company and I so hold.

I hereby enter Judgment in favour of the claimant against the defendants

in the sum of Five Million Naira (N5,000,000.00) and the defendants shall pay the Judgment debt to the claimant forthwith.

There is also a claim for cost of this suit and incidental expenses of recovery incurred by the claimant. However, there is no evidence to support the claim. I, therefore, take it that the claim is abandoned. The 2<sup>nd</sup> leg of the claimant's claim is accordingly struck out.

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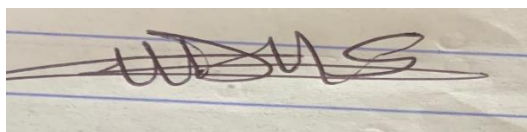
MRS. ADEBAYO QUDUS M.D.

MAGISTRATE

20/01/2025.

COURT: Judgment delivered in the open court.

There is right of appeal to the High Court within 30 days.

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MRS. ADEBAYO QUDUS M.D.

MAGISTRATE

20/01/2025.